

June 25, 2021

VIA ECF

Honorable Judge Ona T. Wang
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

Re: **Matter 1: Hartford Fire Insurance Company a/s/o Smith Affiliates Management Corp., d/b/a Samco Properties v. Broan-Nutone, LLC**
Docket No.: 1:20-cv-01292
Matter 2: Hartford Fire Insurance Company a/s/o TCC Group, Inc., v. Broan-Nutone, LLC
Docket No.: 1:20-cv-01292 (formerly 1:20-cv-03184)

Your Honor:

This firm represents the Defendant, Broan-NuTone, LLC, (hereinafter “Defendant”) in the above consolidated matter. With the consent of my adversaries, I am writing on behalf of all parties to renew our request for a 30-day adjournment of the settlement conference and a 60-day extension of the deposition deadline in this matter. In accordance with Your Honor’s individual preferences, the following is submitted in support of this request:

- The initial fact discovery deadline in this matter was 12/31/20;
- On 12/7/20, Your Honor directed the parties to submit a joint status letter, which was submitted together with a proposed scheduling order on 12/11/20 (Doc. 26);
- On 1/5/21, a new scheduling order was executed by Your Honor. (Doc. 29), which set a new fact discovery deadline of 5/1/21; and
- On 4/30/21, the parties jointly requested an extension of time, which was granted on 5/13/21, setting a fact discovery deadline of 7/30/21, and scheduling the aforementioned settlement conference for 6/29/21. (Doc. 43).

The parties now jointly submit that the requested brief extension will facilitate a more meaningful settlement conference in late July. More specifically, it should be noted that plaintiffs have made settlement demands to Defendant. In considering those demands, it was discovered that a number of documents were inadvertently left out of plaintiffs’ document productions. Those documents are necessary to intelligently respond to plaintiffs demands and engage in a meaningful settlement conference. As of this past week, the missing documents have been produced and are under review by Defendant. Accordingly, the parties respectfully request that the 6/29/21 settlement conference be rescheduled to either 7/22/21 or 7/29/21.

Additionally, the parties respectfully request that the fact discovery deadline be extended to 9/30/21 to accommodate the following depositions:

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- Subpoenaed FDNY deposition(s)- July 21, 2021;
- Deposition of David Wissenbach- August 9, 2021 ;
- Deposition of Nicole Young – August 16, 2021;
- Deposition of representative of SAMCO August 9, 2021;
- Deposition of representative of TCC Group- August 16, 2021; and
- Deposition of representative of Broan-NuTone, LLC- August 12, 2021.

The parties expect all depositions to be completed by the end of August, but respectfully request a 9/30/21 fact discovery end date in the event the aforementioned depositions reveal the existence of additional fact witnesses. The parties are available at Your Honor's convenience to further discuss this issue. Thank you for Your Honor's courtesy in this matter.

Respectfully submitted,

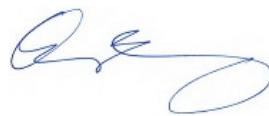


Matthew G. Miller

CPM/tm

cc: All counsel of record

Application GRANTED. The June 29, 2021 PSC is hereby adjourned to July 29, 2021 at 10:30 am; dial-in (866) 390-1828, access code 1582687. The deposition dates herein are so-ordered; fact discovery shall be completed by Sept. 30, 2021. The Clerk of Court is directed to close ECF 50. SO ORDERED.



Ona T. Wang June 25, 2021
U.S.M.J.